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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **CHRIS MARKUNAS,**

12 Holder of License No. S014220
As a Pharmacist
13 In the State of Arizona

Board Case No. 09-0022-PHR

**CONSENT AGREEMENT
FOR RETRAINING PROGRAM**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Chris Markunas
19 ("Respondent"), holder of Pharmacist License Number S014220 in the State of Arizona,
20 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
21 and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3522 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
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document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is disciplinary and is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20), -1927(A)(1).

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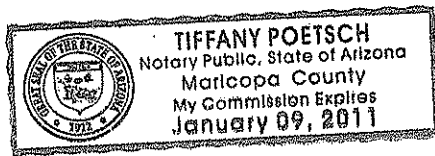
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1 ACCEPTED AND AGREED BY RESPONDENT

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3 *Chris Markunas*
4 Chris Markunas

Dated: 2/18/2009

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 18 day of February, 2009, by Chris Markunas.



Tiffany Poetsch
NOTARY PUBLIC

My Commission expires: Jan. 09, 2011

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number S014220 to practice as a
14 pharmacist in the State of Arizona.

15 3. During all times relevant to these Findings, Respondent worked as a
16 pharmacist at Walgreens Drug number 3464 in Phoenix, Arizona ("Pharmacy").

17 4. In January 2008, a veterinarian called in a prescription for 50 mg Tramadol
18 tablets for a cat. The veterinarian left the prescription on the Pharmacy's voice mail.

19 5. The pharmacist listening to the voice mail (not Respondent) mistakenly
20 documented "Tylenol 50 mg" tablets instead of "Tramadol 50 mg" tablets.

21 6. When Respondent filled the prescription, he inappropriately converted the
22 tablet dosage to a liquid. The cat's owner picked up the prescription, but as the mistake
23 was caught by the veterinarian, no Tylenol was given to the cat. Tylenol is toxic to cats.
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1 DATED this 19th day of MARCH 2009.

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

6 By:



HAL WAND, R.Ph.
Executive Director

9 ORIGINAL OF THE FORGOING FILED
10 this 19 day of March 2009, with:

11 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

12 EXECUTED COPY OF THE FOREGOING MAILED
13 BY CERTIFIED MAIL
14 this 19 day of March 2009, to:

15 Chris Markunas
438 W. Knight Lane
Tempe, Arizona 85284
16 Respondent

17 EXECUTED COPY OF THE FOREGOING MAILED
18 this 19 day of March 2009, to:

19 Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
20 Phoenix, Arizona 85007
Attorneys for the State of Arizona

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22 #368111